



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Nineteenth day of February Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.1445 of 2021
in
CRL.A.(MD)No.383 of 2007

KARUPPASAMY

... PETITIONER/ APPELLANT/
ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
CBCID (CC WING), MADURAI.
CRIME NO.1 OF 2000.

... RESPONDENT/ RESPONDENT/
COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence and enlarge the petitioner on bail in SC.No.389 of 2006 vide judgment dated 29.06.2007 on the file of the Additional District Sessions Fast Track Court No.III, Madurai and pending disposal of Criminal Appeal.

Prayer in CRL.A.(MD)No.383 of 2007:

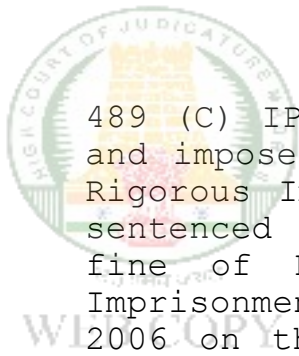
To set aside the conviction and sentence passed against the appellant on 29.06.2007 in S.C.No.389 of 2006 and acquit the petitioner.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.M.VEILKANI RAJU, Advocate for the petitioner and of Ms.S.E.VERONICA VINCENT, Government Advocate(Crl.side)on behalf of the Respondent, the court made the following order:-

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

2. I have perused the petitioner's affidavit filed in support of the above petition, judgment of the trial Court and the memorandum of the appeal.

3.The petitioner has been convicted by the learned trial Judge for the offences under Sections 120(B) r/w. 489(A)(C) and (D) and



489 (C) IPC and sentenced to undergo 5 years Rigorous Imprisonment and imposed a fine of Rs.3,000/-, in default to undergo six months Rigorous Imprisonment for the offence under Section 120(B) IPC and sentenced to undergo 3 years Rigorous Imprisonment and imposed a fine of Rs.1,000/-, in default to undergo 3 months Rigorous Imprisonment for the offence under Section 489(C) in S.C.No.389 of 2006 on the file of the Additional District and Sessions Court (Fast Track Court No.III) Madurai.

4. It is evident from the records that the appeal itself was ordered to be dismissed for non-prosecution on 26.02.2018. As per the order passed by this Court in Crl.M.P(MD).No.1383 of 2021 in Crl.A(MD).No.383 of 2017, dated 18.02.2021, the appeal was restored.

5. The main contention of the learned counsel appearing for the petitioner that the petitioner is aged about 70 years and his son marriage is scheduled to be held on 24.02.2021 at Sivakasi and that the petitioner has already served a sentence in the present case for more than 2 ½ years earlier.

6.The learned Government Advocate (Crl. Side) would represent that she is leaving it to the discretion of the Court.

7.Considering the facts and circumstances of the case and also taking note of the age of the petitioner and also the the fact that petitioner's son marriage is schedule to be solemnized on 24.02.2021 and the imprisonment imposed against the petitioner was previously suspended by this Court, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence again.

8.Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Madurai, and on further condition that the petitioner shall appear before the said Court once in a week i.e., on every Monday at 10.30 a.m., pending appeal.

sd/-
19/02/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE ADDITIONAL DISTRICT SESSIONS JUDGE,
FAST TRACK COURT NO.III, MADURAI.

2 THE JUDICIAL MAGISTRATE NO.I, MADURAI.

3 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

4 THE SUPERINTENDENT,CENTRAL PRISON,
MADURAI.

5 THE INSPECTOR OF POLICE,
CBCID (CC WING), MADURAI.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP (MD) No.1445 of 2021

IN

CRL.A. (MD) No.383 of 2007

Date :19/02/2021

TRP

MS/PN/SAR-1/19.02.2021/3P.7C